

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
AT MONTGOMERY**

ANNE MARIE HUNTER,)
)
)
Plaintiff,)
)
v.) **CASE NO. 2:06CV411-SRW**
)
)
DURR SYSTEMS, INC.,)
)
)
Defendant.)

MOTION TO ENTER HIPAA ORDER

COMES NOW, the Defendant, Durr Systems, Inc. in the above-referenced action, and requests that this Honorable Court enter a HIPAA Order under § 164.512(e)(1) of the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), allowing the Defendant to obtain medical information from the Plaintiff's health care providers and health care plans. In support of this Motion, the Defendant states as follows:

1. The Plaintiff's physical condition and his medical expenses are at issue in this litigation. In his Complaint, the Plaintiff has alleged to have sustained personal injuries and incurred medical treatment and costs as a result of the Defendant's conduct.

2. The Defendant expects to issue subpoenas to the Plaintiff's health care providers and health care plans requesting information and documentation regarding the Plaintiff's medical records and charges for medical treatment.

3. The Defendant anticipates that the Plaintiff's health care providers and health care plans are subject to the privacy requirements under § 164.512(e)(1) of HIPAA, and are prohibited from disclosing information regarding the Plaintiff absent a HIPAA Order.

4. Should this Honorable Court enter the proposed HIPAA Order attached hereto as an Exhibit, any information the Defendant receives from the Plaintiff's health care provider and/or health care plans will exclusively be used and disclosed only for the purpose of this litigation and said information and documentation will either be returned or destroyed at the end of this litigation.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully requests this Honorable Court to enter the HIPAA Order attached hereto as Exhibit "A," authorizing the Plaintiff's health care providers and health care plans to disclose protected health information to the parties to the purposes of this litigation only.

/s/ James B. Carlson

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CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notifications of such filing to the following:

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